

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:17-cr-0001-JRS-MJD
)	
KEVIN EARL MILLION,)	- 01
)	
Defendant.)	

Report and Recommendation

On August 1, 2019, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on January 29, 2019 and a supplemental petition filed on February 5, 2019. Defendant Million appeared in person with his appointed counsel William Dazey. The government appeared by Barry Glickman, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Michael Burress.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Million of his rights and provided him with a copy of the petition. Defendant Million orally waived his right to a preliminary hearing.

2. After being placed under oath, Defendant Million admitted violation numbers 1 and 3. The Government moved to dismiss violation numbers 2 and 4 and the same granted.

[Docket Nos. 22, and 26.]

3. The allegations the Defendant admitted, as fully set forth in the petition, are:

**Violation
Number**

Nature of Noncompliance

- 1 **“You shall be monitored by Radio Frequency for a period of 90 days, to commence as soon as practical, and shall abide by all the technology requirements. You may be restricted to your residence at all times except for employment, education, religious services, medical, substance abuse or mental health treatment, attorney visits, court-ordered obligations, or other activities as pre-approved by the probation officer .”**

As the Court is aware, Mr. Million began a court ordered location monitoring program on December 21, 2018. On January 25, 2019, Mr. Million had been given permission to leave his home by this officer from 7:45 a.m. to 12:30 p.m., to attend a meeting with his state probation officer in Tippecanoe County, Indiana, and to look for employment. Mr. Million did not return to his home as directed. On January 28, 2018, Mr. Million was arrested in Lafayette, Indiana, on a Tippecanoe County, Indiana, probation violation warrant. Mr. Millon is currently in the custody of the Tippecanoe County, Indiana Jail.

- 3 **“You shall not knowingly leave the judicial district without the permission of the court or probation officer.”**

On December 20, 2018, Mr. Million was arrested for retail theft in Urbana, Illinois. Mr. Million did not request permission to travel outside the judicial district from this officer.

4. The parties stipulated that:

- (a) The highest grade of violation is a Grade C violation.
- (b) Defendant’s criminal history category is VI.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 8 to 14 months’ imprisonment.

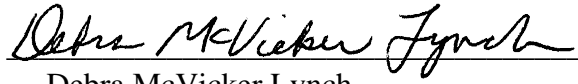
5. The parties jointly recommended a sentence of eight (8) months with no supervised release to follow. The Defendant requested placement at FCI McDowell.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of eight (8) months with no supervised release to follow. The Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation. The Magistrate Judge recommends placement at FCD McDowell.

The parties were advised that the District Judge is not required to accept the Report and Recommendation of the Magistrate Judge. The parties waived notice of the Report and Recommendation and waived objections to the Report and Recommendation.

So recommended.

Date: 8/14/2019


Debra McVicker Lynch
United States Magistrate Judge
Southern District of Indiana

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